LIBRARY
SUPREME COURT, U. S.

Office-Supreme Court, U.S.
FILED
MAR 15 1966
JOHN F. DAVIS, CLERK

In The

Supreme Court of the United States

October Term, 1965

No. 1121

MORTIMER L. SCHULTZ,

Petitioner,

– v –

STATE OF NEW JERSEY,

Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF NEW JERSEY

MICHAEL A. QUERQUES,
Attorney for Petitioner,
501 Central Ave.,
Orange, N.J.

Martin Lutz Appellate Printers, Inc.
New York • Philadelphia • Newark • New Brunswick

INDEX TO BRIEF

	Page
Petition	1
Citations to Opinion Below	2
Jurisdiction	2
Questions Presented	2
Statutes Involved	3
Statement	3
How Federal Questions Are Presented	7
Reasons for Granting the Writ	8
Conclusion	13

Appendices

Appendix A — Statutory and Constitutional Provisions Involved:

New Jersey Statutes	1a
United States Constitution	4a
Appendix B — Opinion of the Supreme Court	6a
Appendix C — Judgment of Supreme Court of New Jersey Sought to be Reviewed	16a

Table of Citations

CASES CITED:

Griffin v. California, 380 U.S. 609 (1965) .. 8, 9, 10

Index

Page

Hale v. Henkel, 201 U.S. 73 (1905) 11

Malloy v. Hogan, decided June 15, 1964 7

Murphy v. Waterfront Commission of New York, 378 U.S. 52 (1964) 12

Oklahoma Press Publishing Co. v. Walling, 327 U.S. 186 (1945) 11

Redfield v. United States, 197 F. Supp. 559 (D.C. Nev. 1961), aff'd per curiam, 295 F.2d 249 (9th Cir. 1961), cert. denied, 369 U.S. 803 (1962), reh. denied, 369 U.S. 863 (1962), habeas corpus denied,

Smith v. United States, 234 F.2d 385 (5th Cir. 1956) 9

State v. Corby, 28 N.J. 106, 145 A.2d 289 (1958) 10

United States v. Curtiss, 330 F.2d 278, 281 (2d Cir. 1964) 9

United States v. Wallace and Tiernan Co., 336 U.S. 793 (1948) 11

Wilson v. United States, 149 U.S. 60 (1893) .. 9

United States Constitution:

Fourth Amendment 2, 3, 7, 11, 12

Fifth Amendment 2, 3, 11, 12

Index

	Page
Fourteenth Amendment	2, 3, 8

STATUTE CITED:

28 U.S.C. 1257(3)	2

New Jersey Statutes Annotated:

2A:102-3	3
2A:111-1	3
2A:111-9	3
2A:111-10	3
2A:111-11	3
49:3-5	3
49:3-16(d)	3, 4, 5, 12
49:3-18	3

Supreme Court of the United States

October Term, 1965

No.

MORTIMER L. SCHULTZ,

Petitioner,

— v —

STATE OF NEW JERSEY,

Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF NEW JERSEY

To the Honorable, the Chief Justice and the Associate Justices of the Supreme Court of the United States:

Your petitioner, Mortimer L. Schultz, respectfully prays that a writ of certiorari issue to review the judgment of the Supreme Court of New Jersey entered in the above entitled case on January 24, 1966, which judgment affirmed a judgment of sentence of the Essex County Court, entered on August 5, 1964.